

### **DETAILED ACTION**

This Office action is in response to the communication filed 7-2-10.

Claims 1-6, 9,13-15 are pending in the instant application.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7-12-10 has been entered.

#### ***Response to Arguments and Amendments***

##### **Withdrawn Rejections**

Any rejections not repeated in this Office action are hereby withdrawn.

Applicant's arguments with respect to claims 1-6, 9,13-15 have been considered but are moot in view of the new ground(s) of rejection set forth below.

##### **Rejections Necessitated by Amendments**

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 9, 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1 recites "[a]n isolated siRNA" molecule which is optionally selected from a single stranded RNA consisting of SEQ ID NO. 3 (see lines 2-4 of claim 1). It is unclear how SEQ ID NO. 1 is properly defined as an siRNA in this manner, since SEQ ID NO. 3 lacks a self-complementary sequence.

Appropriate clarification is required.

Claim 2, line 1 recites an "siRNA" molecule which is optionally selected from a single stranded RNA consisting of SEQ ID NO. 3 (see line 2 of claim 2). It is unclear how SEQ ID NO. 1 is properly defined as an siRNA in this manner, since SEQ ID NO. 3 lacks a self-complementary sequence.

Appropriate clarification is required.

Claim 3, in line 1, recites a "hairpin RNA" or a "double stranded RNA" (in line 4), and further recites, in lines 6-7, "with two uracil nucleotides appended to the 5'-terminus, the 3'-terminus, or both". It is unclear, however, whether the uracils are appended to the two termini of the hairpin, or to two or four termini of the double stranded RNA.

Appropriate clarification is required.

### ***Conclusion***

Certain papers related to this application may be submitted to Art Unit 1635 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. ' 1.6(d)). The official fax telephone number for the Group is **571-273-8300**. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jane Zara** whose telephone number is **(571) 272-0765**. The examiner's office hours are generally Monday-Friday, 10:30am - 7pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Low, can be reached on (571) 272-0951. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Jane Zara**

**9-25-10**

/Jane Zara/

Primary Examiner, Art Unit 1635